

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

0220-03494-0000

Date: July 19, 1999

To: The Public Safety Committee

From: Paul K. Cauley, Acting City Administrative Officer Subject: **STATUS OF REQUEST FOR INFORMATION REGARDING PRIVATE PATROL SERVICES AND OFFICERS OPERATING IN BUSINESS IMPROVEMENT DISTRICTS**

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BY CITY CLERK

At the Public Safety Committee meeting of May 24, 1999, the Chair of the Public Safety Committee requested this Office and the City Attorney to report on various aspects pertaining to private patrol services and officers operating in Business Improvement Districts (BID's). Specifically, this Office was requested to: 1) identify all services provided by the City in the context of evaluating and approving applications for Police Commission permits for private patrol service companies; 2) identify services provided by the City that are already provided by the State as part of its licensing process; and, 3) determine the appropriate fee to be charged by the City for Police Commission private patrol service permits.

The City has established permit fees for the operators of private patrol companies as well as their officers. The permit fee is \$300 for an original permit for an operator and \$59 for patrol officers. Renewal fees are \$149 and \$26 respectively. The fees are based on the amount of work done by the Police Department in connection with the application. But, the work largely consists of background investigations by the Department's Commission Investigation Division's Enforcement Section. The Police Department will be supplying more detailed information about the specific duties associated with the permit process.

Regarding services provided by the State, we have made efforts to contact the State Bureau of Security and Investigative Services, which regulates and licenses private security services, to determine the scope of its regulatory fees and activities, but have not yet received a response. The State's fees are spelled out in Section 7588 of the State Business and Professions Code. However, this section is not specific about the scope of the services provided as part of the licensing process. We are continuing our efforts to establish communications with that bureau.

On July 15, we received a copy of a letter from the Chief of the California State Bureau of Security and Investigative Services (BSIS) to the Downtown Center LA Business Improvement District that states:

"The City of Los Angeles does not have authority to charge you or any private patrol operator a fee to register officers within their City." It further states that "no city or county or city and county may require additional fees to regulate our licensees. BSIS is the regulatory agency for the security guard industry."

According to the City Attorney, this opinion appears to be inconsistent with the State Business and Professions Code. Section 7582.5 of this Code does not prevent local governments from:

- (a) Imposing local regulations on street patrol services and officers requiring registration with the local government;
- (b) Imposing local regulations on street patrol services and officers who are unable to furnish evidence of current registration; and
- (c) Requiring private patrol operators and officers to register their name and file a copy of the state identification card with the local government; however, no fee may be charged and no application may be required.

The City Attorney has advised that additional study of this issue is needed to determine whether our fees are prohibited by law. In addition the City Attorney was directed by Public Safety Committee to: 1) address issues of overlap and conflict between City's private patrol ordinance and Police Commission rules and the State codes; 2) discuss whether and why duplicative areas should be retained; and, 3) prepare recommendations and draft ordinances to add or delete applicable Municipal Code sections including the deletion of fees for private security services. The City Attorney will report under separate cover. Until many of these issues are resolved, it is premature to recommend a fee at this time.

PKC:JAY:jhl